

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 28, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on January 28, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, President
Brenda L. Hale, R.N.
Jeanne Holmes, Citizen Member
Judith E. Piersall, R.N, B.S.N.
Karen K. Schultz, Ph.D., M.B.A., Citizen Member

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director (joined later)
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Henrico County St. Mary's Hospital; Fortis College; John Tyler Community College

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Marie Louis-Jeune, C.N.A. 1401-113616

Ms. Louis-Jeune appeared, represented by attorney, Barbara Queen; and accompanied by her husband, Sal Louis-Jeune;

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

J. W. Turner, Senior Investigator, Department of Health Professions; Lisa McKinney, L.P.N.; Patsy Hudson, C.N.A; Cassie McCoy, L.P.N.; and Sal Louis-Jeune were present and testified.

CLOSED MEETING:

Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:37 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Louis-Jeune. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway attend

the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:50 A.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing dismiss the case in the matter of Marie Louis-Jeune.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the decision of this formal hearing panel.

FORMAL HEARINGS: **Sharon A. Reed, R.N. 0001-075571**
Ms. Reed appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Pam Kincheloe, Senior Investigator, Department of Health Professions was present and testified. Imran Akram, M.D. testified by telephone.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:55 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Reed. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:23 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing continue the professional nursing license of Sharon Reed on indefinite suspension, but stay said suspension contingent upon her entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms and conditions of the Health Practitioners Monitoring Program.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:30 P.M.

RECONVENTION: The Board reconvened at 2:15 P.M.

Ms. Power and Ms. Davis joined the meeting. Ms. Krohn and Ms. Lee left the meeting.

FORMAL HEARINGS: **Aminata Fornah, C.N.A. 1401-123383**
Ms. Fornah did not appear.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Cheryl Hodgson, Senior Investigator, Department of Health Professions; and Kisha Brown, L.P.N. were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:30 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fornah. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:40 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing revoke the nurse aide certificate of Aminata Fornah with a finding of abuse to be entered into the Virginia Nurse Aide Registry.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Michele R. M. Davidson, R.N. 0001-146903**
Ms. Davidson appeared, accompanied by her husband, Nathan Davidson, R.N., F.N.P.

Jim Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Neil Berkowitz, Senior Intake Investigator, Department of Health Professions; Pam Kincheloe, Senior Investigator, Department of Health Professions; and Nathan Davidson, R.N., F.N.P. were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:55 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Davidson. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:15 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing indefinitely suspend the professional nursing license of Michele Davidson with suspension stayed contingent upon her continued compliance with the Health Practitioners Monitoring Program.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 4:20 P.M.

RECONVENTION: The Board reconvened at 4:30 P.M.

FORMAL HEARINGS: **Grace E. Emah, R.N. 0001-198232**
Ms. Emah appeared, accompanied by her husband, Ernest Emah.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Sue Zich, Senior Investigator, Department of Health Professions; Beatrice Holt, R.N., Prince William Hospital; Kelly Davis, R.N., Prince William Hospital; and Ernest Emah were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Emah. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:35 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing place Grace Emah on indefinite probation for a period of not less than twelve months employment as a professional nurse with terms and conditions determined by the Board. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Stacey C. Hereford, L.P.N. 0002-066368**
Ms. Hereford appeared.

Jim Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Sherry Foster, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:15 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hereford. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:40 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing indefinitely suspend the practical nursing license of Stacey Hereford, to be stayed contingent upon her entry into the Health Practitioners Monitoring Program and thereafter require she remain in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 7:45 P.M.

RECONVENION: The Board reconvened at 8:00 P.M.

FORMAL HEARINGS: **Martha P. Robertson, R.N. 001-102634**
Ms. Robertson appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Maureen Schnittger, Senior Investigator, Department of Health Professions; Pam Twombly, Regional Enforcement Manager, Department of Health Professions; Pat Benson, R.N., Augusta Medical Center; and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Dr. Schultz moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Robertson. Additionally, Dr. Schultz moved that Ms. Douglas, Ms. Power, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:15 P.M.

Dr. Schultz moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing reprimand Martha Robertson and require she re-enter the Health Practitioners Monitoring Program within 30 days of entry of the order and thereafter remain in compliance with the terms of the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 9:20 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director